

Remarks

35 U.S.C. §112 Rejections

Applicant has amended claims 32 and 34-36 to address the Examiner's 35 U.S.C. §112 rejection. Applicant also amends claim 33 to correct a minor typographical error not noted by the Examiner. The amendments do not add new matter. Accordingly, Applicant respectfully requests the Examiner enter the amendments and withdraw the §112 rejection.

35 U.S.C. §102(e) Rejections

The Examiner also finally rejected claims 32-38 under 35 U.S.C. §102(e) as being anticipated by Silver. However, the current amendments also overcome the §102 rejection. Specifically, Applicant has amended the "transaction" element of claim 32. As amended, claim 32 now requires "ordering the prescribed medical supply in a transaction from a medical supply vendor." Further, claim 32 requires "consummating the transaction by arranging payment through an e-commerce provider...[and]... accounting for the transaction to the medical care provider such that the medical care provider receives, directly or indirectly, compensation for the transaction." Thus, a "transaction" means the ordering and subsequent purchase of the prescribed medical supply from the medical supply vendor, and the "accounting" step means that the medical care provider receives compensation (e.g., money) resulting from the "transaction" (i.e., the ordering and subsequent purchase of the prescribed medical supply from the medical supply vendor). This interpretation is compelled not only by a plain reading of the claim language, but also, by the specification and Applicant's Response dated December 16, 2002.

Plainly, Applicant's claimed "transaction" cannot possibly be equated with the subscription fee disclosed by Silver. The subscription fee in Silver is a fee paid to *access* the system, and as such, any compensation received by a doctor in Silver, directly or indirectly, does not result from a "transaction" as Applicant uses that term. In fact, a fee to access the system would necessarily be paid before a patient could even order a medical supply in Silver.

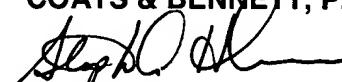
As such, Silver fails to anticipate claim 32 under §102, and Applicant respectfully requests its allowance, and that of its dependent claims 33-38 as well.

New Claims 39-49

Applicant also adds claims 39-49 without adding new matter. Claim 39 contains language that specifically requires a doctor to order a prescription for a medical supply based on a medical examination conducted by the doctor, and paying the doctor a fee based on the sale of the prescribed medical supply. For the reasons stated above with respect to claim 32, Silver also fails to anticipate claim 39. As such, Applicant respectfully requests the allowance of claim 39, and its dependent claims 40-49.

Attached hereto is a marked-up version of the current amendments made to the claims. The attached page is entitled "**Version with markings to show changes made.**"

Respectfully submitted,
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Version with markings to show changes made

Claims 32-36 have been amended as follows.

32. (Amended) A method of selling a prescribed medical supply via the World Wide Web comprising:

prescribing a medical supply by a medical care provider to a patient resulting from a medical examination;

ordering the prescribed medical supply in a transaction from a medical supply vendor by communicating the order through a website associated with the medical care provider;

consummating the transaction by arranging payment through an e-commerce provider communicatively linked to the website associated with the medical care provider;

delivering the prescribed medical supply to the patient; and

accounting for the transaction to the medical care provider such that the medical care provider receives, directly or indirectly, compensation for the transaction.

33. (Amended) The method of claim 32 wherein prescribing the medical supply includes an examination and diagnosis by a medical care provider that results in a prescription ordered by the medical care provider for [a] the patient.

34. (Amended) The method of claim 32 wherein the e-commerce provider accounts to the medical [supply] care provider.

35. (Amended) The method of claim 32 wherein the e-commerce provider submits payment to the medical [service] supply vendor and accounts to the medical care provider.

36. (Amended) The method of claim 32 wherein the e-commerce provider updates [the] an account [of] associated with the medical care provider and [the] an account [of] associated with

the medical [service] supply vendor supplying the prescribed medical supply in response to each transaction.